

Translation

PATENT COOPERATION TREATY

PCT/CH2003/000235



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1994/PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000235	International filing date ( <i>day/month/year</i> ) 10 April 2003 (10.04.2003)	Priority date ( <i>day/month/year</i> )
International Patent Classification (IPC) or national classification and IPC F16H 21/46, 35/02		
Applicant OLOID AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>2</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 23 September 2004 (23.09.2004)	Date of completion of this report 08 September 2005 (08.09.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000235

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-8, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1-8, filed with the letter of 29 August 2005
- ☒ the drawings:  
 pages 1/8-8/8, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH 93/00235

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

### 2. Citations and explanations

#### 1. Relevant prior art:

- D1: US-A-4 669 225 (KUSTER KASPAR), 2 June 1987 (1987-06-02)
- D2: WO 99/05435 A (ABT & FRITSCHI GMBH; ABT ANDREAS (CH); FRITSCHI MARKUS (CH)), 4 February 1999 (1999-02-04)
- D3: US-B1-6 435 995 (SALGO REINHOLD C), 20 August 2002 (2002-08-20)
- D4: US-A-4 784 338 (SALADIN JOSEPH), 15 November 1988 (1988-11-15)
- D5: SCHATZ P: "RHYTHMUSFORSCHUNG UND TECHNIK", RHYTHMUSFORSCHUNG UND TECHNIK, XX, XX, pages 77-87, XP002058827
- D6: PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 02, 29 February 2000 (2000-02-29) & JP 11 319879 A (UNITIKA LTD), 24 November 1999 (1999-11-24)

2. Claim 1 relates to a device for generating pulsating movements, the device having two parallel shafts, each shaft being driven via gears, including oval gears, and the two shafts being connected by bow-like levers to a drive element to be driven, according to the preamble of claim 1.

An arrangement having the detail features of the preamble of claim 1 is well known from WO-A-99/05435 and its efficiency, according to the presentation of the problem, is to be optimised. For that purpose, features (F), (H), (I) and (J) in the characterising part of claim 1 are used, namely the design of the drive element as an ovoid, which is known in this technical field, and the arrangement of the rotational axes with a defined mutual relationship.

4. The documents cited in the search report should not be regarded as relevant, since WO-A-99/05435 does not show the above-mentioned characterising features. US-A-4 669 225 also fails to show the totality of these features, since each of the two shafts is associated with a hydraulic engine and their mutual relationship is likewise not indicated.
5. In view of the available prior art, the restricted subject matter of claim 1, which is designed for a special sequence of movements, should also be recognised to involve the requisite inventive step.
6. The developments in the dependent claims also meet the PCT requirements.
7. The invention is obviously industrially applicable in the generation of a pulsating movement in a gas, liquid or bulk material.